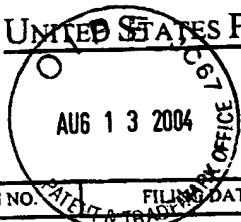


08-16-04

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,501	08/22/2003	Philip Joseph Catalano		9672

Philip Joseph Catalano
1420 Francis Avenue
Orlando, FL 32806-2448

7590 07/08/2004

EXAMINER

FULTON, CHRISTOPHER W

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/646,501	CATALANO, PHILIP JOSEPH	
	Examiner	Art Unit	
	Christopher W. Fulton	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.



Application/Control Number: 10/646,501
Art Unit: 2859

Page 2

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The substitute specification submitted on January 8, 2004 has been accepted, however, the letter "o" is missing periodically throughout the specification.

Appropriate correction is required.

Claim Objections

2. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 2 is narrative in form and while it stresses the importance of the dimensions and weight of the sheave no specific structural limitations are presented in claim 2.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. Claims 1-5 are

essentially a list of elements of the device, however, the elements listed are not structurally related to each other.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nield.

The device as claimed as can be understood is substantially disclosed by Nield with a disclosure of device to measure the length of a cable played off a reel using a sheave and a magnetic (col. 4 lines 35-50) sensor to determine the rotation of the sheave which is used to calculate the length of cable removed from the reel, but lacks specific reference to conduit usage. It is old and well known to measure a cable or tape length to determine the length of conduit needed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the device of Nield to determine the length of conduit needed by measuring the length of cable used to cover the distance.

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haglof.

The device as claimed as can be understood is substantially disclosed by Haglof with a disclosure of device to measure the length of a cable played off a reel using a sheave and sensor to determine the rotation of the sheave which is used to calculate the length of cable removed from

Art Unit: 2859

the reel, but lacks the sensor being magnetic and specific reference to conduit usage. It is old and well known to use magnetic sensors to determine rotation of a sheave to determine the length of a cable. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a magnetic sensor to determine the revolutions of the sheave in Haglof as an alternative non-contact sensor to reduce the frictional aspect of the mechanical sensor of Haglof. It is also old and well known to measure a cable or tape length to determine the length of conduit needed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the device of Haglof to determine the length of conduit needed by measuring the length of cable used to cover the distance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher W. Fulton whose telephone number is (571) 272-2242. The examiner can normally be reached on M-W & F 6:00-4:30.

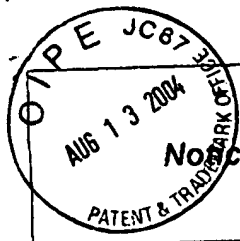
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.



Christopher W. Fulton
Primary Examiner
Art Unit 2859

CWF



Notice of References Cited

Application/Control No.
10/646,601

Applicant(s)/Patent Under
Reexamination
CATALANO, PHILIP JOSEPH

Examiner
Christopher W. Fulton

Art Unit
2859

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,745,487	06-2004	Nield, Barry J.	33/735
	B	US-4,798,003	01-1989	Haglof, Ingvar	33/734
	C	US-5,351,531	10-1994	Kerr, Wayne L.	33/734
	D	US-3,091,038	05-1963	DANIEL BRAND	33/734
	E	US-4,117,600	10-1978	Guignard et al.	33/735
	F	US-3,753,294	08-1973	Attali et al.	33/735
	G	US-6,640,451	11-2003	Vinarcik, Edward John	33/1PT
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.